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13
14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

16 GABE BEAUPERTHUY, et al. ,

Case No. C 06 0715 SC

17 Plaintiffs,

18 v.

(Assigned to the Honorable Samuel Conti for All Purposes)

19 24 HOUR FITNESS USA, INC., a
California corporation dba 24 HOUR
20 FITNESS; SPORT AND FITNESS
CLUBS OF AMERICA, INC., a California
21 corporation dba 24 HOUR FITNESS,

22 Defendants.
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~~[PROPOSED]~~ ORDER RE: PLAINTIFFS' REQUEST FOR LIMITED CONSOLIDATED SURREPLY, IN LIGHT OF COURT VACATING ORAL ARGUMENT, TO ADDRESS NEW MATTERS RAISED IN DEFENDANT'S REPLIES IN SUPPORT OF ITS TWO MOTIONS TO DECERTIFY (1) THE MANAGERS CLASS AND (2) THE TRAINERS CLASS

Hearing: Vacated [frmr: January 21, 2011]

Complaint filed: February 1, 2006

Trial date: Not yet set

USDC, ND, Case No.: C 06 0715 SC

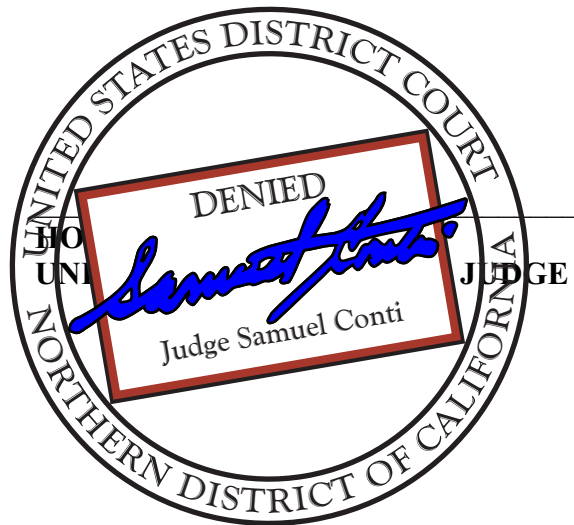
[PROPOSED] ORDER RE: PLAINTIFFS' REQUEST FOR LIMITED CONSOLIDATED SURREPLY TO ADDRESS NEW MATTERS RAISED IN DEFENDANT'S REPLIES

1 Plaintiffs Gabe Beauperthuy, et al., filed a Request for Limited Consolidated Surreply, in
2 Light of Court Vacating Oral Argument, to Address New Matters Raised in Defendant's Replies
3 in Support of Its Two Motions to Decertify (1) the Managers Class and (2) the Trainers Class.
4 Included in Plaintiffs' Request was a Surreply that was limited to 5 pages. Having read the
5 request and supporting declaration, and Good Cause appearing:

- 6 1. Plaintiffs' request to file a limited Surreply is ~~granted~~ DENIED
- 7 2. Defendant is allowed to file a limited Surreply not to exceed 5 pages, to address
8 any new material raised Plaintiffs' Surreply that was not already addressed in Defendant's Reply,
9 to be filed no later than Friday, January 28, 2011.

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11 IT IS SO ORDERED:

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13 Dated: 2/9/11



Submitted by,

Dated: January 21, 2011

**DONAHOO & ASSOCIATES
FOLEY BEZEK BEHLE & CURTIS, LLP**

By: /s/ Justin P. Karczag
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